

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3

4 RUBEN ODELL BOULWARE,

No. C 09-02792 CW

5 Plaintiff,

ORDER SETTING TRIAL
DATE

6 v.

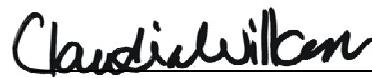
7 D. M. DUNSTAN,

8 Defendant.

9 _____ /
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11 IT IS ORDERED that a jury trial will be held on Monday,
12 January 9, 2012, at 8:30 a.m. in Courtroom 2, Fourth Floor, 1301
13 Clay Street, Oakland, CA. Plaintiff and counsel for the Defendant
14 shall comply with the attached Order for Pretrial Preparation. No
15 pretrial conference will be held; the Court will decide the
16 pretrial matters on the papers.

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19 Dated: 8/15/2011



CLAUDIA WILKEN
United States District Judge

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ORDER FOR PRETRIAL PREPARATION
(Pro Se Prisoner Cases)

PRETRIAL CONFERENCE

Not less than 28 days prior to the pretrial conference, each party shall file the pretrial conference statement required by Civil L.R. 16-10(b)(6). The pretrial conference statement shall contain the following information:

- ### (1) The Action.

(A) Substance of the Action. A brief description of the substance of claims and defenses which remain to be decided.

(B) Relief Prayed. A detailed statement of all the relief claimed, particularly itemizing all elements of damages claimed.

- (2) The Factual Basis of the Action.

(A) Undisputed Facts. A plain and concise statement of all relevant facts not reasonably disputed.

(B) Disputed Factual Issues. A plain and concise statement of all disputed factual issues which remain to be decided.

(C) Agreed Statement. A statement assessing whether all or part of the action may be presented upon an agreed statement of facts.

(D) Stipulations. A statement of stipulations requested or proposed for pretrial or trial purposes.

- (3) Disputed Legal Issues. Without extended legal argument, a concise statement of each disputed point of law concerning liability or relief.

- (4) Further Discovery or Motions. A statement of all remaining discovery or motions.

- ## (5) Trial Alternatives and Options.

(A) Settlement Discussions. A statement summarizing the status of settlement negotiations and indicating whether further negotiations are likely to be productive.

1 (B) Consent to Trial Before a Magistrate Judge. A
2 statement whether the parties consent to a court or jury trial
3 before a magistrate judge, with appeal directly to the Ninth
Circuit.

4 (C) Bifurcation, Separate Trial of Issues. A statement of
5 whether bifurcation or a separate trial of specific issues is
6 feasible and desired.

7 (6) Miscellaneous. Any other subjects relevant to the trial of
8 the action, or material to its just, speedy and inexpensive
determination.

9 In addition, each party shall submit the following:

10 a. Exhibit List and Objections. The exhibit list required
11 by Civil L.R. 16-10(b)(7) shall list each proposed exhibit by its
12 number (see Civil L.R. 30-2(b)), description, and sponsoring witness,
13 followed by blanks to accommodate the date on which it is marked for
14 identification and the date on which it is admitted into evidence.
15 No party shall be permitted to offer any exhibit in its case-in-chief
16 that is not disclosed in its exhibit list without leave of the Court
17 for good cause shown. Parties shall also deliver a set of premarked
18 exhibits to the Courtroom Deputy. The exhibit markers shall each
19 contain the name and number of the case, the number of the exhibit,
20 and blanks to accommodate the date admitted and the Deputy Clerk's
21 initials. Appropriate sample forms are attached and are also
22 available on the Court's website at www.cand.uscourts.gov.

23 b. Witness List. No party shall be permitted to call any
24 witness in its case-in-chief that is not disclosed in its pretrial
25 conference statement without leave of the Court for good cause shown.
**Each party must arrange to subpoena and produce the witnesses they
26 wish to call.**

1 c. Use of Discovery Responses. In addition to the
2 requirements of Federal Rule of Civil Procedure 26(a)(3)(B), a
3 designation of any excerpts from interrogatory answers or from
4 responses to requests for admissions intended to be offered at trial.
5 The parties shall indicate any objections to use of these materials.

6 d. Trial briefs. Briefs on all significant disputed issues
7 of law, including foreseeable procedural and evidentiary issues.

8 e. Motions in Limine. Any motions in limine shall be filed
9 with the pretrial conference statement. All motions in limine shall
10 be contained within one document, limited to 25 pages pursuant to
11 Civil L.R. 7-2(b), with each motion listed as a subheading.
12 Opposition to the motions in limine shall be contained within one
13 document, limited to 25 pages, with corresponding subheadings, and
14 filed fourteen (14) days thereafter.

15 f. Proposed Voir Dire. The attached voir dire
16 questionnaire will be given to the venire members, and copies of the
17 responses will be made available to parties at the beginning of voir
18 dire. Each party may submit a set of additional requested voir dire.

19 g. Joint Proposed Jury Instructions. As applicable, jury
20 instructions §1.1A, §1.1C, §1.2 through §1.17, §1.19, §2.1 through
21 §2.13, §3.1 through §3.3 from the Manual of Model Civil Jury
22 Instructions for the Ninth Circuit (2007 Edition) will be given absent
23 objection. Parties shall each submit one set of additional proposed
24 jury instructions. The instructions shall be ordered in a logical
25 sequence, together with a table of contents. Authority for each
26 instruction shall be included as part of the submission.

27 If possible, the parties shall email to cwpo@cand.uscourts.gov
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1 a copy of their proposed jury instructions in WordPerfect or Word
2 format. The subject of the email should include the name of the
3 parties, the case number and a description of the document.

4 h. Proposed Verdict Forms.

5 i. Proposed Findings of Fact and Conclusions of Law (Court
6 Trial only). If possible, the parties shall email to
7 cwpo@cand.uscourts.gov a copy of their proposed findings of fact and
8 conclusions of law in WordPerfect or Word format. The subject of the
9 email should include the name of the parties, the case number and a
10 description of the document.

11 JURY SELECTION

12 The Jury Commissioner will summon 20 to 25 prospective jurors.
13 The Courtroom Deputy will select their names at random and seat them
14 in the courtroom in the order in which their names are called.

15 Voir dire will be asked of sufficient venire persons so that
16 eight (or more for a lengthy trial) will remain after all peremptory
17 challenges and an anticipated number of hardship dismissals and cause
18 challenges have been made.

19 The Court will then take cause challenges, and discuss hardship
20 claims from the individual jurors, outside the presence of the venire.
21 The Court will inform the parties which hardship claims and cause
22 challenges will be granted, but will not announce those dismissals
23 until the process is completed. Each party may then list in writing
24 up to three peremptory challenges. The parties will review each
25 other's lists and then submit them to the Courtroom Deputy.

26 Then, from the list of jurors in numerical order, the Court will
27 strike the persons with meritorious hardships, those excused for

1 cause, and those challenged peremptorily, and call the first eight
2 people in numerical sequence remaining. Those people will be the
3 jury.

4 All jurors remaining at the close of the case will deliberate.
5 There are no alternates.

6 SANCTIONS

7 Failure to comply with this Order is cause for sanctions under
8 Federal Rule of Civil Procedure 16(f).

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10 IT IS SO ORDERED.

Claudia Wilken

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12 CLAUDIA WILKEN
13 UNITED STATES DISTRICT JUDGE
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JUROR QUESTIONNAIRE

Please fill out this form as completely as possible and print clearly. Since we want to make copies for the attorneys and the Court, do not write on the back of any page. If you need more room, continue at the bottom of the page. Thank you for your cooperation.

1. Your name: _____

2. Your age: _____

3. Your place of birth: _____

4. Do you rent or own your own home? _____

5. Your marital status: (circle one)

single married live with partner separated divorced widowed

6. What is your occupation, and how long have you worked in it? (If you are retired, please describe your main occupation when you were working).

7. Who is (or was) your employer?

8. How long have you worked for this employer? _____

9. Please list the occupations of any adults with whom you live.

10. If you have children, please list their ages and sex and, if they are employed, please give their occupations.

11. Please describe your educational background:

Highest grade completed: _____

College and/or vocational schools you have attended:

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Major areas of study: _____

12. Have you ever served on a jury before? _____ How many

times? _____

If yes: State/County Court _____ Federal Court _____

When? _____

Was it a civil or criminal case? _____

Did the jury(ies) reach a verdict? _____

Attached is a list of the parties in this case, the law firm, and the telephone number.

representing the parties, attorneys in this case, and persons who are potential witnesses in this case. Do you know, or think you know, any of the persons listed?

Yes: _____ No: _____

If so, make a check next to their name.

Rev. 6/28/10

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

RUBEN ODELL BOULWARE,

Case Number: CV09-02792 CW

Plaintiff,

CERTIFICATE OF SERVICE

V.

D M DUNSTAN et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 15, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Ruben Odell Boulware
5558 Dairy Avenue
Long Beach, CA 90805

Dated: August 15, 2011

Richard W. Wieking, Clerk
By: Nikki Riley, Deputy Clerk